

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

HERMAN WILLIAMS,

Plaintiff,

v.

LUCIAN TESSMANN, *et al.*,

Case No. 1:23-cv-05945

Hon. Sunil R. Harjani

Hon. Daniel P. McLaughlin

JOINT STATUS REPORT

Plaintiff Herman Williams, by and through his attorneys, Romanucci & Blandin, LLC, and Hart McLaughlin & Eldridge, LLC, and Defendant Lucian Tessmann, by and through his counsel, Ekl Williams Provenzale, LLC; Defendant City of Waukegan, Illinois, by and through its counsel, HeplerBroom, LLC; Defendants Charles Fagan, Dennis Pensala, Richard Davies, Kevin Berrill, as Special Representative for Robert Randall, deceased, Leonard Brezinski, Daniel Colin, Lake County, Illinois, Village of Vernon Hills, Illinois, and John Idleburg, in his official capacity as Sheriff of Lake County, by and through their counsel, The Sotos Law Firm, P.C.; Defendants Kimberly Garofalo, as Independent Administrator of Gregory Garofalo, deceased, and Village of Gurnee, by and through their counsel, Schain Banks Kenny & Schwartz, Ltd; and Defendants Charles Bell and Village of Libertyville, Illinois, by and through their counsel, Rock Fusco and Connelly, LLC, submit this report on the discovery progress and the prospects of settlement, in accordance with the Court's order:¹

¹ Defendant Cook County, Illinois, by and through its counsel, Cook County State's Attorney's Office, and Defendant Lake County Major Crimes Task Force, by and through its counsel, Ancel Glink, had not yet replied at the time of this filing.

Discovery Progress

WRITTEN DISCOVERY

The parties have continued to work on written discovery, including supplemental responses and productions after meet and confer as well as continuing meet and confers regarding party discovery and third-party subpoenas.

FACT DEPOSITIONS

The parties have begun fact depositions. Below is a summary of where things stand with a view to the June 2, 2025, fact deposition deadline:

Taken or Confirmed

- Two depositions have been completed.
- 14 additional depositions of parties and non-parties are confirmed to proceed on dates in April and May.

Served and Awaiting Confirmation of Dates from Defendant or Third-Party Witness

- Plaintiff is awaiting confirmation of dates from Defendants for five additional witnesses (two are represented by Lake County counsel, two are represented by Libertyville counsel, and one is represented by Gurnee counsel).
- Plaintiff has served six third-party witnesses with subpoenas for dates in April and May, for which Plaintiff has not yet received confirmation from those witnesses as to availability on the subpoenaed dates. Plaintiff intends on having confirmation in the coming days.
- The parties have agreed to hold off on one additional witness whom Plaintiff subpoenaed due to the witness being elderly and seriously hearing-impaired. The parties' hope is that other depositions obviate the need for this witness's deposition, though that is not certain at this time.

Additional Depositions Anticipated

Plaintiff intends to issue Rule 30(b)(6) notices to Defendants Lake County Sheriff, Lake County Major Crimes Task Force, and City of Waukegan on or before March 28, 2025, to address *Monell* issues primarily. Otherwise, Plaintiff has one third-party fact-witness deposition subpoena that he has been unable to serve and will be re-issuing to a new address. Plaintiff does not anticipate seeking any other fact witness depositions at this time.

Defendants intend to depose Plaintiff, his relatives, and additional damage witnesses once the parties can reach resolution on the issue of Plaintiff's communications while he was in IDOC custody. Defendants are still evaluating the need for additional third-party depositions based on the depositions already scheduled.

Plaintiff's Motion to Reconsider Leave to Amend Complaint

On March 19, 2025, Plaintiff's counsel and counsel for the Lake County Defendants, and counsel for Defendants Village of Gurnee and Garofalo orally argued Plaintiff's motion for leave to reconsider the Court's denial of Plaintiff's request for leave to amend the complaint to name substitute administrators for the Estates of Jones and Garofalo. The Court has ordered the parties to submit supplemental briefing on discrete issues relating to the motion, with Plaintiff's supplemental brief due April 2 and Defendants' April 16.

Relatedly, Defendant Kimberly Garofalo's motion to vacate the substitute administrator appointment for the Estate of Gregory Garofalo in Lake County Circuit Court was denied. Ms. Garofalo has filed a notice of appeal of that decision with the Illinois appellate court. Separately, Defendant Lake County's motion to vacate the substitute administrator appoint for the Estate of Nancy Jones in Cook County Circuit is fully briefed and set for a status on May 7, 2025.

Status of Settlement

On March 5, 2025, Plaintiff sent a global settlement demand to Defendants with a proposal of private mediators for a settlement conference. Defendants have recently conferred regarding Plaintiff's proposal of private mediators and intend to respond to Plaintiff's proposal shortly.

Date: March 24, 2025

HERMAN WILLIAMS

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